

**AN ORDINANCE**

BY *Debra Hineson, Mayor*

**03-0-0393**

**AN ORDINANCE TO AMEND THE ATLANTA OUTDOOR FESTIVALS ORDINANCE OF 2003, CHAPTER 130, ARTICLE VI, SECTIONS 138-186 THROUGH 138-209 OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA SO AS TO CORRECT A TYPOGRAPHICAL ERROR AND TO ESTABLISH THAT FESTIVAL APPLICANTS' SECURITY PLANS MAY NOT BE PREPARED BY CITY OF ATLANTA EMPLOYEES; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City Council of the City of Atlanta (hereinafter "the City") passed the Atlanta Outdoor Festivals Ordinance of 2003, ordinance number 02-O-1777, on January 6, 2003 (hereinafter "the Ordinance"); and

**WHEREAS**, the Ordinance has one typographical error, whereby a clause was added to the definition of "Outdoor Festival" that negates the application of the Ordinance to gatherings of more than five hundred (500) people on privately-owned property that implicate public parks or streets, and therefore said clause should be deleted; and

**WHEREAS**, the Ordinance currently requires festival applicants to provide an internal security plan as part of their festival application, but does not set any restrictions on whom is permitted to prepare the internal security plan; and

**WHEREAS**, City of Atlanta employees may be asked to evaluate and/or enforce an internal security plan, and such evaluation and/or enforcement may create a conflict of interest if the employee assisted with the creation of the internal security plan; and

**WHEREAS**, the Ordinance should establish that the City will not accept internal security plans that have been created by a City of Atlanta employee; and

**WHEREAS**, the Ordinance requires that the internal security plan show the number of POST-certified off-duty law enforcement personnel that the

applicant shall hire, but mistakenly interchanges the term “law enforcement personnel” with “police officers”; and

WHEREAS, it is acceptable for applicants to hire any POST-certified off-duty law enforcement personnel. Applicants are not restricted to hiring POST-certified police officers, and any ambiguity regarding this requirement should be clarified.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA as follows:

SECTION 1: Chapter 130, Article VI, Section 138-187 of the City Code of Ordinances is hereby amended by removing the following clause from the first sentence of the definition of “Outdoor Festival”: “in a public park belonging to the City or in a public street”. Therefore, the first sentence of the definition of “Outdoor Festival” shall read as follows:

*“Outdoor Festival means an outdoor public celebration or gathering which involves either the use of public parks belonging to the City or public streets, or on privately-owned property when it is reasonably expected that more than five hundred (500) people will gather for seven (7) or fewer contiguous days, and which includes entertainment, dancing, music, dramatic productions, art exhibitions, parades or the sale of merchandise, food or alcohol, or any combination of the foregoing, and which requires the erection of stages, barricades, utility poles, booths, tents, or other temporary structures, or the use of parked vehicles or of permanent structures, and which of necessity requires for its successful execution the provision and coordination of municipal services to a degree significantly over and above that which the city routinely provides under ordinary everyday circumstances.”*

SECTION 2: Chapter 130, Article VI, Section 138-201, number (17) of the City Code of Ordinances shall be deleted in its entirety and replaced with the following:

“(17) A specific plan for internal security for the festival, specifying the number of off-duty law enforcement personnel and private security guards which the applicant plans to hire, what arrangements the applicant has made for hiring them, and details of the plan for payment. The internal security plan shall specify that the number of

off-duty law enforcement personnel hired by the applicant shall be the same or more than the number of private security guards hired for such purpose. At the option of the applicant the security forces under the internal security plan may be comprised entirely of off-duty law enforcement officers. This section shall not preclude the use of “t-shirt” security in the festival production area in addition to personnel mandated herein. “T-shirt” security may be in addition to but may not be in lieu of the required off-duty law enforcement personnel or private security personnel.

The internal security plan must show that all off-duty law enforcement personnel to be used for internal security are POST-certified and have jurisdictional authority in the festival area, and that all private security personnel contracted for by the applicant are employed by companies licensed by the State of Georgia Board of Private Detective and Security Agencies. In addition, the internal security plan must list all persons who participated in creating the internal security plan and shall certify that no current City employees participated in creating the internal security plan.”

SECTION 3: Chapter 130, Article VI, Section 138-203 (5) of the City Code of Ordinances shall be amended by deleting sentences two through four in their entirety and replacing them with the following:

“The holder of a permit shall be required to provide a plan for *internal security*, as that term is defined in this article, for the festival assembly area, and shall be required to provide and pay for off-duty law enforcement personnel and private security guards for such internal security purposes, as required by the Chief of Staff. The internal security plan must show that all off-duty law enforcement personnel to be used for internal security are POST-certified and that all private security personnel contracted for by the applicant are employed by companies licensed by the State of Georgia Board of Private Detective and Security Agencies. In determining the adequacy and appropriateness of any internal security plan, the Chief of Staff shall be guided solely by considerations of the number and qualifications of off-duty law enforcement personnel and private security guards necessary to provide internal security to the festival assembly area, as indicated by experience with similar events.”

SECTION 4: Chapter 130, Article VI, Section 138-203 (5) of the City Code of Ordinances shall be amended by deleting the last two sentences thereof in their entirety and replacing them with the following:

“The internal security plan shall specify that the number of off-duty law enforcement personnel hired by the applicant shall be the same or more than the number of private security guards hired for such purpose. At the option of the applicant the security forces under the internal security plan may be comprised entirely of off-duty law enforcement officers.”

SECTION 5: The requirement in Section 2 of this ordinance that “the internal security plan must list all persons who participated in creating the internal security plan and shall certify that no current City employees participated in creating the internal security plan” shall take effect on April 21, 2003. The remainder of this ordinance shall take effect immediately.

SECTION 6: All ordinance and parts of ordinances in conflict herewith are hereby repealed.